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22428	7590	11/14/2005	EXAMINER	
FOLEY AND LARDNER LLP			PHAM, TUAN	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			2643	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,619

Applicant(s)

SHIMAMURA, MASAKI

Examiner

TUAN A. PHAM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, 11, 13-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-3, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Peng (Pub. No.: US 2002/0197965).**

Regarding claim 1, Peng teaches a cellular phone comprising (see figure 2):

a first casing that includes a display unit provided on one surface thereof (see figure 2, first case 11 include a display, [0002]),

a second casing that is pivotable with respect to the first casing, the second casing including a plurality of key pads (see figure 2, second case 12 includes a keypad, [0002]);

a pivot that enables the first and second casing to be placed in a closed position and in a plurality of open positions to thereby provide for a folding type cellular phone (see figure 2, cases 11 and 12 are connected by a hinge, [0002, 0018]); and

an attachment that has a substantially similar shape as the first casing and that is configured to fit over the first casing to thereby envelop the first casing (see figure 3, attachment 20, front case 41, [0018]).

Regarding claim 2, Peng further teaches the cellular phone wherein the attachment includes an opening on one surface thereof, for allowing the display unit of the first casing to be viewed from an exterior position when the attachment is fitted over the first casing and wherein the opening of the attachment has a same size as the display unit (see figure 7, attachment 20).

Regarding claim 3, Peng further teaches an entirety of the first casing is fitted over by the attachment (see figure 3, attachment 20).

Regarding claim 11, Peng further teaches the cellular phone wherein the front surface and a back surface of the first casing includes at least one of a recess portion and a protruding portion for attaching the attachment securely to the first casing when the attachment is fitted over the first casing (see figure 3, flanges 21, [0018]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (Pub. No.: US 2002/0197965) in view of Newman et al. (Pub. No.: US 2002/0022499, hereinafter, "Newman").**

Regarding claim 9, Peng teaches a cellular phone comprising (see figure 2):

a first casing that includes a display unit provided on one surface thereof (see figure 2, first case 11 include a display, [0002]),

a second casing that is pivotable with respect to the first casing, the second casing including a plurality of key pads (see figure 2, second case 12 includes a keypad, [0002]);

a pivot that enables the first and second casing to be placed in a closed position and in a plurality of open positions to thereby provide for a folding type cellular phone (see figure 2, cases 11 and 12 are connected by a hinge, [0002, 0018]); and

an attachment that has a substantially similar shape as the first casing and that is configured to fit over the first casing to thereby envelop the first casing (see figure 3, attachment 20, front case 41, [0018]).

It should be noticed that Peng fails to teach wherein a part of the display unit includes a function of a touch panel, and wherein the control unit controls the touch panel. However, Newman teaches such features (see [0028]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Newman into view of Peng in order to write on the display as suggested by Newman.

6. Claims 15, 19, 26, 30, 32, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (Pub. No.: US 2002/0197965) in view of Snyder (U.S. Patent No.: 6,389,268).

Regarding claim 15, Peng teaches an attachment (see figure 3, attachment 20) attached to a cellular phone that includes a first casing (see figure 2, first case 11) and a second casing (see figure 2, second case 12) and a pivot mechanism provided between the first and second casing to allow the first and second casing to pivot with respect to each other (see figure 2, first case and second case are connected by the hinge, [0002, 0018]), the attachment comprising:

a housing shaped the same as the first casing of the cellular phone (see figure 3, attachment 20, first case 41).

It should be noticed that Peng fails to teach the housing includes: a first exterior surface having an opening provided thereon for enabling a display unit located on the first casing of the cellular phone to be viewed when the attachment is attached to the cellular phone, and a second exterior surface positioned opposite to the first exterior

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surface, wherein an opening is provided between the first and second exterior surfaces of the attachment to thereby allow the attachment to be fitted over the first casing of the cellular phone. However, Snyder teaches the housing includes: a first exterior surface having an opening provided thereon for enabling a display unit located on the first casing of the cellular phone to be viewed when the attachment is attached to the cellular phone (see figure 2, figure 3, first wall 33, display 14, cradle 30, col.3, ln.5-38), and a second exterior surface positioned opposite to the first exterior surface, wherein an opening is provided between the first and second exterior surfaces of the attachment to thereby allow the attachment to be fitted over the first casing of the cellular phone (see figure 2, figure 3, first wall 33, second wall 34, display 14, cradle 30, col.3, ln.5-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Snyder into view of Peng in order to easily view a display panel as suggested by Snyder at column 2, lines 27-33.

Regarding claim 19, Snyder further teaches the opening of the attachment has a predetermined shape that is the same as a shape of the display unit provided on the first case (see figure 2, aperture 36, display 14).

Regarding claim 26, Peng further teaches grooves provided on an interior surface of the attachment, wherein the attachment is engaged onto the cellular phone by coupling of the grooves of the attachment to recesses provided on an exterior surface of the first casing of the cellular phone (see figure 3, flanges 21, [0018]).

Regarding claim 30, Peng further teaches the attachment wherein the cellular phone is of a folding type (see figure 1).

Regarding claim 34, Snyder further teaches the opening provided between the first and second exterior surfaces of the attachment has a width that is slightly greater than a width of the first casing of the cellular phone, and wherein the opening has a length that is slightly greater than a length of the first casing of the cellular phone (see figure 2, figure 5).

Regarding claim 32, Peng teaches a cellular phone to which a detachable attachment is attached, a first casing having a substantially same width and height as the attachment a second casing pivotable attached to the first casing (see figure 2, attachment 20, first case 11, [0002]), wherein the attachment is fitted over the first casing to thereby attach the attachment to the cellular phone (see figure 2, attachment 20, first case 11, [0002]).

It should be noticed that Peng fails to teach case-like shape with a first exterior surface, a second exterior surface opposite the first exterior surface, first and second sidewalls, and an opening provided within the case-like shape. However, Snyder teaches such features (see figure 2, figure 3, first wall 33, second wall 34, col.3, ln.15-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Snyder into view of Peng in order to easily view a display panel as suggested by Snyder at column 2, lines 27-33.

Regarding claim 35, Peng further teaches the first casing of the cellular phone includes a display unit of a predetermined shape, and the attachment includes an opening provided on the first external surface thereof, the opening having the

predetermined shape to enable the display unit to be viewed externally when the attachment is fitted onto the first casing (see figure 3, figure 7, attachment 20).

Regarding claim 36, Snyder further teaches the second exterior surface extends in a direction orthogonal to the first and second sidewalls with a gap provided for a portion of the second exterior surface (see figure 3).

7. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (Pub. No.: US 2002/0197965) in view of Newman et al. (Pub. No.: US 2002/0022499, hereinafter, "Newman") as applied to claim 1 above, and further in view of Aotake et al. (U.S. Patent No.: 6,819,942, hereinafter, "Aotake").

Regarding claim 13, Peng and Newman, in combination, fails to teach control unit recognizes attachment of the attachment and a type thereof, and executes a control operation after confirming a predetermined entry. However, Aotake teaches such features (see figure 4, col.6, ln.38-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Aotake into view of Peng and Newman in order to detects the external device when connected to the mobile phone.

Regarding claim 14, Aotake further teaches the cellular phone wherein, when the attachment is detached, the control unit returns the setting conditions for the cellular phone to original ones (see figure 2, plug insertion/removal detection circuit 27, col.5, ln.12-18).

8. Claims 16-18, 20-25, 27-29, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (Pub. No.: US 2002/0197965) in view of Snyder (U.S. Patent No.: 6,389,268) as applied to claim 15 above, and further in view of Newman et al. (Pub. No.: US 2002/0022499, hereinafter, "Newman")

Regarding claim 16, Peng and Snyder, in combination, fails to teach function unit which performs a predetermined function. However, Newmen teaches such features (see [0008, 0012]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Newman into view of Peng and Snyder in order to support multi function.

Regarding claim 17, Newman further teaches a display unit (display 3, col.4, [0036]).

Regarding claim 18, Newman further teaches the attachment comprising a control unit that controls the function unit (see figure 2, the communicator 2 should includes a controller to control the device such as display).

Regarding claim 20, Newman further teaches wherein the attachment is arranged on a backside of the cellular phone (see figure 4, display 3 can be attach on the back side of cellular).

Regarding claim 21, Snyder further teaches a transparent portion of a predetermined (see col.3, ln.40-45).

Regarding claim 22, Snyder further teaches the transparent portion is an opening portion (see col.3, ln.40-45).

Regarding claim 23, Snyder further teaches a transparent plate is formed in the transparent portion (see col.3, ln.40-45).

Regarding claim 24, Snyder further teaches the transparent portion is located at a position (see col.3, ln.40-45) and Newman teaches a display unit on a back of the cellular phone (see [0039]).

Regarding claim 25, Snyder further teaches the transparent portion corresponds to a part of the display unit (see figure 2).

Regarding claim 27, Newman further teaches wherein the attachment is fastened to the cellular phone by means of a screw (see figure 4, connector 10, it is obvious that the connector 10 can be replace by a screw).

Regarding claim 28, Peng further teaches recesses provided on an interior surface of the attachment wherein the attachment is attached to the cellular phone by coupling of the recesses of the attachment to grooves provided on an exterior surface of the first casing of the cellular phone (see figure 3, flanges 21).

Regarding claim 29, Newman further teaches further comprising a terminal, which receives a supply of electric power from the cellular phone (see figure 7A, display 3, col.4, [0040], display 3 will get power source from the battery 12).

Regarding claim 31, Newman further teaches a touch screen (see [0028]).

Regarding claim 33, rejected the same reason of claims 16 and 18.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and

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Art Unit 2643
November 6, 2005
Examiner

Tuan Pham


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